



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE September 1, 2006 EFFECTIVE DATE September 16, 2006	CONTACT/PHONE Michael Conger (805) 781-5136	APPLICANT Ralph & Kathryn Schell	FILE NO. DRC2005-00215
SUBJECT Request by Ralph and Kathryn Schell for a Minor Use Permit to allow modification of the size and distance standards for a secondary unit. The modification would allow a 1,200 square foot secondary unit to be located approximately 75 feet from the existing primary unit, on a lot of approximately 3.5 acres. Ordinance standards would otherwise limit the size of the secondary unit to 800 square feet and the distance separation to 50 feet. The proposed project is within the Residential Rural land use category and is located at the northeast corner of Lyn Road and Zenon Way (1988 Lyn Road), approximately 0.4 miles southwest of the village of Los Berros. The site is in the South County planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00215 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on July 31, 2006.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091-063-006	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
LAND USE ORDINANCE STANDARDS: Height Measurement; Minimum Site Area; Residential Density; Setbacks; Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on September 16, 2006, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Residential			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural/ residential <i>East:</i> Residential Rural/ residential <i>South:</i> Residential Rural/ residential <i>West:</i> Residential Rural/ residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: South County Advisory Council, Public Works, Ag Commissioner, Cal Trans, Regional Water Quality Control Board, Building Division, City of Arroyo Grande			
TOPOGRAPHY: Level to moderately sloping		VEGETATION: Grasses, eucalypti	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire	ACCEPTANCE DATE: July 21, 2006
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LAND USE ORDINANCE COMPLIANCE:

Permitted Use, Residential Density – Secondary Dwellings are an allowable use in the Residential Rural (RR) land use category, subject to the special use conditions described in the “Secondary Dwellings” section of this report.

Property Development Standards – The following table summarizes the applicable general property development and operating standards described in Chapter 10 of the Land Use Ordinance:

Standards	Description	Required	Proposed	Status
Height	Residential Rural	35 feet	22 feet	Meets Standard
Site Area	Single Family Residential (Well, Septic)	1 net acre	≈ 3.5 net acres	Meets Standard
Front	Standard Requirement	25 feet	≈ 140 feet	Meets Standard
Rear	sites 1 acre or more	30 feet	≈ 450 feet	Meets Standard
Side	sites 1 acre or more	30 feet	West: 32 feet East: ≈ 120 feet	Meets Standard
Interior	Accessory Building	6 feet	75 feet	Meets Standard

As proposed, the project meets the property development standards of the Land Use Ordinance.

Secondary Dwellings

The following table summarizes the requirements for secondary dwelling units, as listed in Section 22.30.470 of the Land Use Ordinance. The project site is less than five net acres in size and is served by on-site well and septic systems.

Standard	Description	Status
Accessory Unit Only	Secondary must be accessory to a primary dwelling; site cannot contain a guesthouse or more than one unit	Meets Standard
Restricted Occupancy	Owner shall occupy one unit on the site as their primary residence	Conditioned to Meet Standard
Limitation on Location	Project is not in an area where secondary units are prohibited.	Meets Standard
Minimum Access	Project site has frontage on a county-maintained road (Lyn Road)	Meets Standard
Minimum Site Area	On-site well and on-site sewage disposal: Minimum site area is 1 net acre	Meets Standard
Maximum Floor Area	On-site well and on-site sewage disposal, 3.5 net acres: Maximum floor area is 800 square feet	Modification Required
Maximum Distance	On-site well and on-site sewage disposal, 3.5 net acres: Maximum distance to primary unit is 50 feet	Modification Required
Design	Design style shall be compatible with the existing primary dwelling.	Meets Standard
Parking	One additional off-street parking space	Meets Standard

As proposed and conditioned, with the requested modifications, the project will meet the secondary unit standards. The request for size and distance modification are discussed in further detail in the "Staff Comments" section of this report.

STAFF COMMENTS:

Size Waiver Request

The applicant has requested that the 800 square-foot size restriction for the secondary unit be modified to allow a unit of 1,200 square feet. The additional square footage is being requested in order to accommodate a handicap-accessible design. The proposed location for the secondary dwelling is on level ground in an area without significant native vegetation. As such, the additional square footage requested is not expected to pose additional environmental impacts, or significantly alter the drainage.

Distance Waiver Request

The applicant has requested that the 50 foot distance limitation between the secondary and primary dwellings be modified to allow a separation of approximately 75 feet. The distance modification will allow the secondary unit to be located on a level portion of the site and would lessen the required grading and site disturbance. The additional distance requested is not expected to result in removal of significant native vegetation or to negatively impact drainage.

POLICY ISSUES:

Staff has historically viewed secondary dwellings as a means to provide lower-cost housing for family members or as rental units. When considering size and distance waiver requests, staff conducts a site visit to evaluate any obvious environmental concerns with regard to vegetation removal and drainage. The proposed project will be located on a level portion of the site in an area without significant native vegetation. Granting of the distance waiver will allow the project to result in less ground disturbance than would be required if the unit were to be located within the required 50-foot radius from the primary unit. With regard to drainage, this project was referred to Public Works for review. They did not indicate any significant concerns.

COMMUNITY ADVISORY GROUP COMMENTS:

This project was placed on the agenda to be heard at the South County Advisory Council's (SCAC) May 26, 2006 meeting. According to the minutes published on SCAC's website, this item was removed from the agenda. A referral response was returned stating that the project was withdrawn. No additional comments from SCAC were received. *Staff Response: This application was not formally withdrawn. Staff is unaware why this item was removed from SCAC's agenda or if this item has been placed on a future SCAC agenda.*

AGENCY REVIEW:

Public Works – Requests an offer of dedication for future road improvement of 25 feet along Zenon Way as measured from the recorded centerline, and improvement of Zenon Way to an all-weather (chip seal) surface from the county-maintained road, Lyn Road, to 10 feet beyond the driveway.

Staff response: Based on a follow-up conversation with Richard Marshall from Public Works, the offer along Zenon Way is requested in order to affirm an implied offer that was part of the original Porter Pacific Eucalyptus Tract No. 1 subdivision (1 Maps 33, 1911). As Zenon Way is already improved to an all-weather surface from Lyn Road to Heidi Place, no additional improvements will be necessary.

Ag Commissioner – No comment.

City of Arroyo Grande – No comment.

Cal Trans – As of August 8, 2006, no comments have been received.

RWQCB – As of August 8, 2006, no comments have been received.

LEGAL LOT STATUS:

The existing lot was legally established by the issuance of construction permits¹.

Staff report prepared by Michael Conger and reviewed by Kami Griffin.

¹ Permit 73184 – issued November 21, 1989; Permit C1088 – issued August 31, 2000

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project consists of the construction of a secondary dwelling in a residential zone, and the project is not located in an environmentally sensitive area.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Lyn Road, a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

- G. Modification of the maximum floor area for secondary dwellings from 800 square feet to allow a secondary dwelling of 1,200 square feet is justified because there are specific conditions of the site that make the standard unnecessary. These conditions consist of the project's location on a level portion of the site and in an area with no significant native vegetation. Additionally, the additional square footage requested as part of this project is not anticipated to significantly alter the drainage on the site.
- H. Modification of the distance a secondary dwelling can be located from a primary dwelling from 50 feet to allow a secondary dwelling to be located 75 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard ineffective. These conditions include a moderate slope near the primary unit, which would necessitate additional earthwork if a unit were to be located within 50 feet from the primary unit.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. modification of the size and distance standards for a secondary unit to allow a 1,200 square foot secondary unit to be located approximately 75 feet from the existing primary unit.
 - b. maximum height is 22 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, the applicant shall provide a fire safety clearance letter from CDF/County Fire.
5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Services

6. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
7. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

9. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

Access

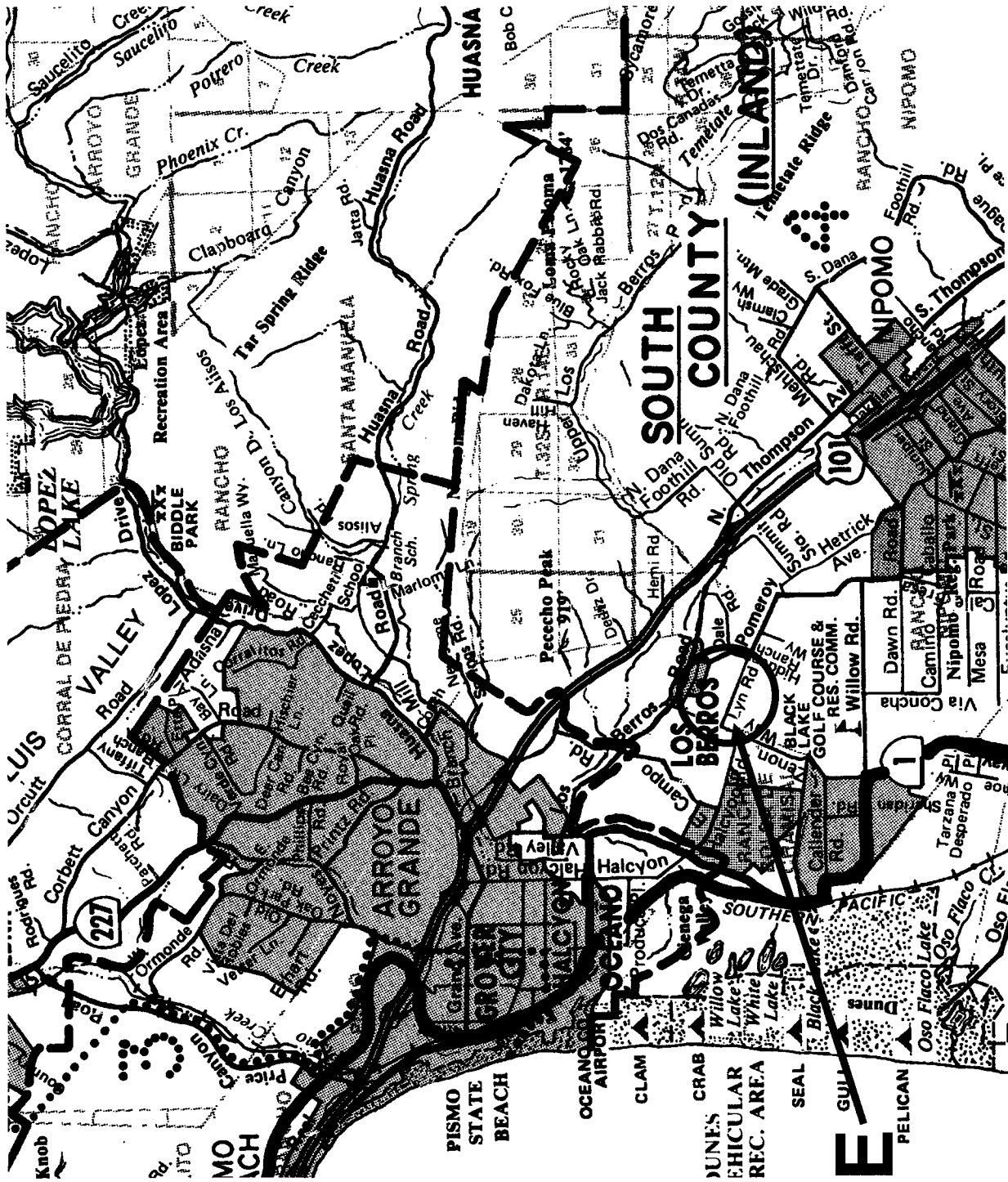
10. **Prior to issuance of a construction permit**, the applicant shall record an offer for dedication to the public for future road improvement 25 feet along Zenon Way to be described as 25 feet from the recorded centerline, including a 20 foot radius at the corner of Lyn Road.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

11. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

On-going conditions of approval (valid for the life of the project)

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



SITE

PROJECT

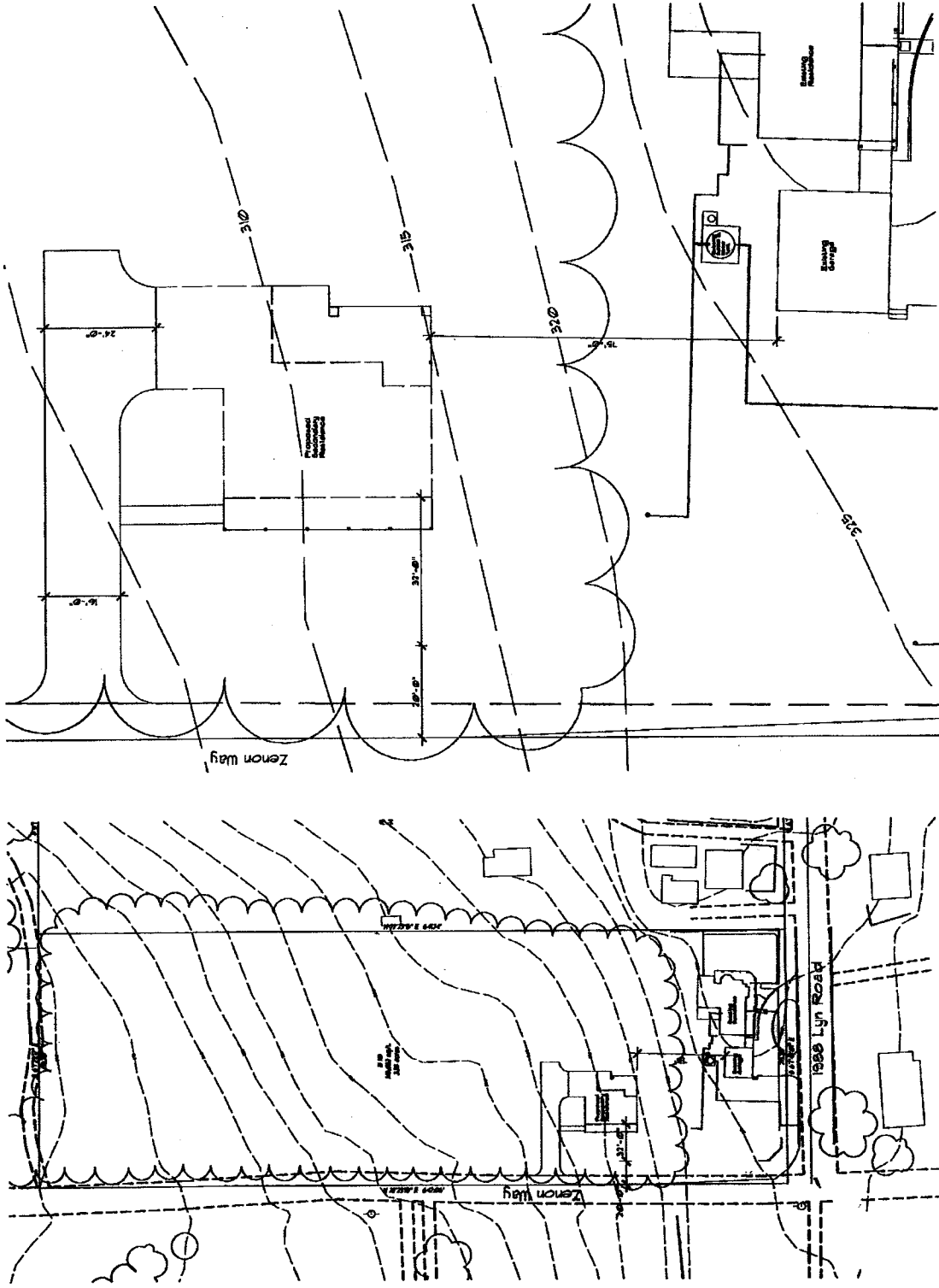
Minor Use Permit
Schell DRC2005-00215

EXHIBIT

Vicinity Map



THIS



Boundary Plan

Site Plan

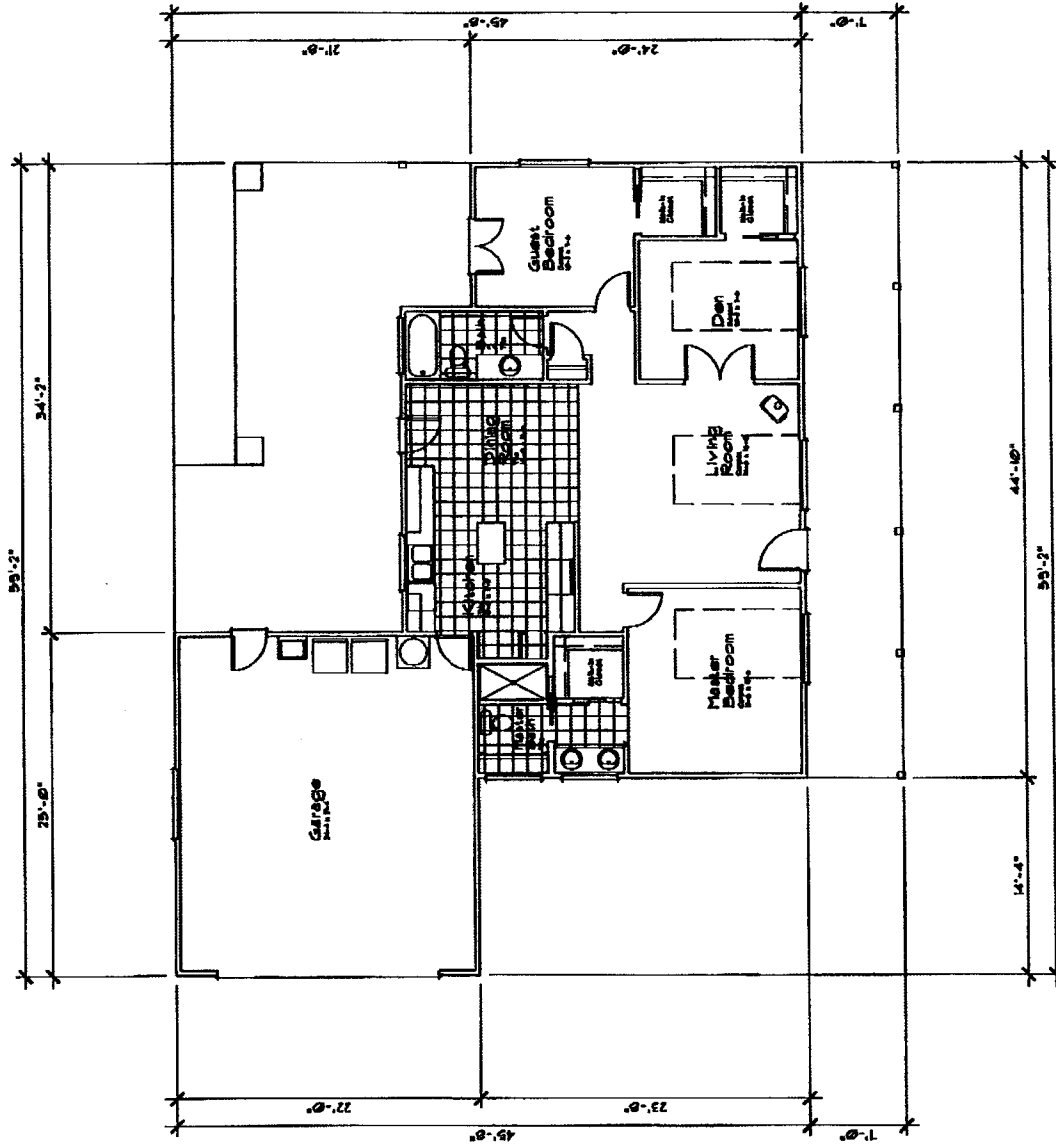
PROJECT

Minor Use Permit
Schell DRC2005-00215

EXHIBIT

Site Plan





Floor Plan

Total Floor Area 1200 Sq. Ft.
Existing Garage Area 545 Sq. Ft.

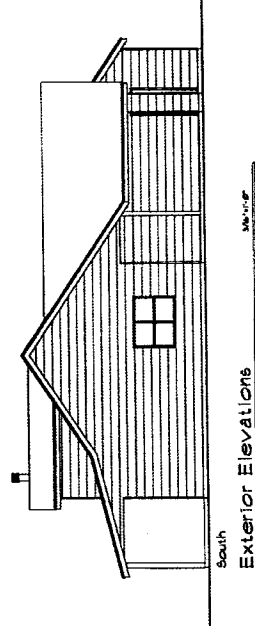
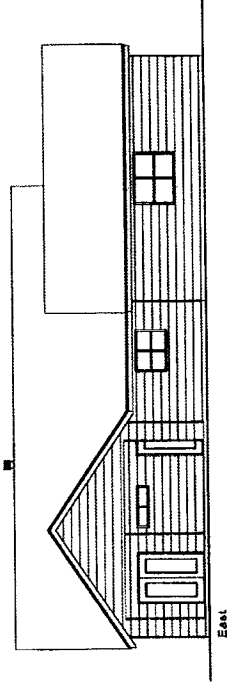
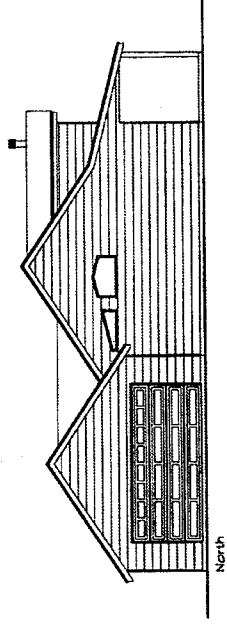
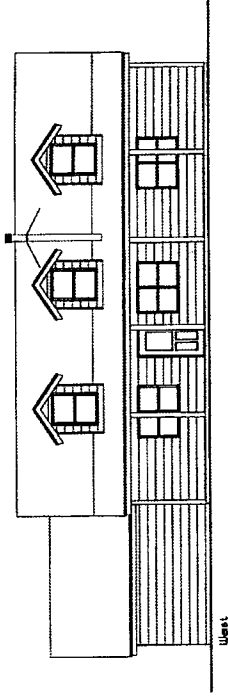
PROJECT

Minor Use Permit
Schell DRC2005-00215

EXHIBIT

Floor Plan





PROJECT

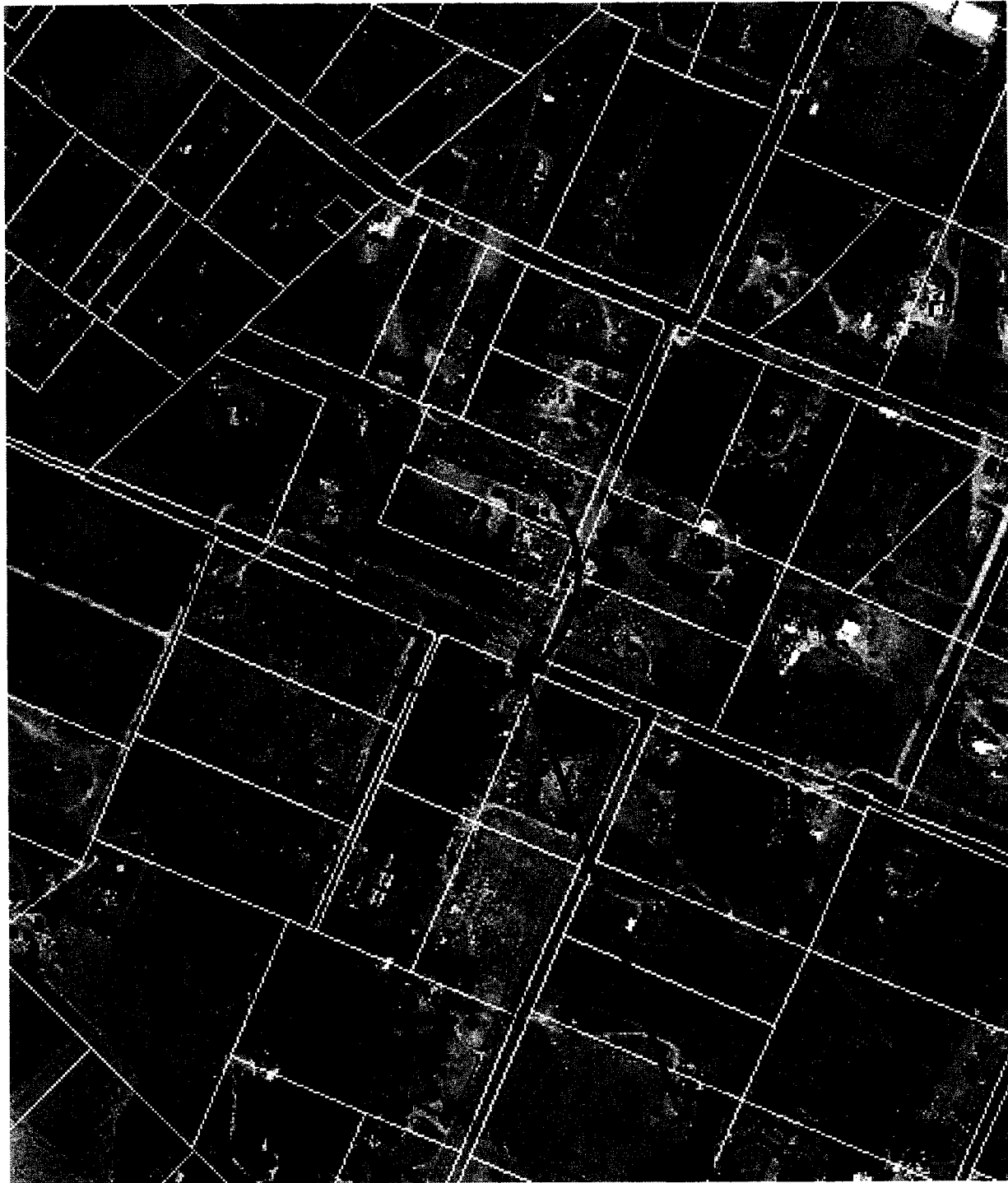
Minor Use Permit
Schell DRC2005-00215

EXHIBIT

Elevations



SIT



PROJECT

Minor Use Permit
Schell DRC2005-00215



EXHIBIT

Aerial Photograph

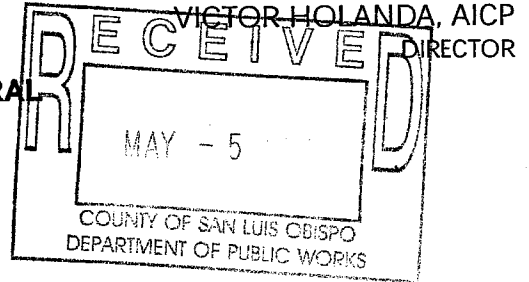


8

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE: 5/4/06

From TO: PW

To FROM: ☒ - South County Team

☐ - North County Team

☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00215 Applicant: SHELL
MUP -> modify secondary dwelling standards for
distance & size. 3 1/2 acre lot off Lyn. Rd. in
Arroyo Grande. APN: 091-063-000
Return this letter with your comments attached no later than: 5/19/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

① Offer of dedication for future road improvement 25-ft along Zenon Way
to be described as 25-ft from the recorded center line. ② Provide
all weather surface (chip seal) from county maintained road to 10' beyond driveway

5-19-06
Date

Nola Engelskirger
Name

799-2100
Phone

*including a
20-ft radius
at the corner
of Lyn Rd.*

07-17-06

County of San Luis Obispo
Planning and Building Department

Attn: Michael T. Conger

RE: DRC2005-00215-Schell Minor Use Permit
1988 Lyn Road – Rural South County (APN: 091-063-006)

In response to your letter of June 2, 2006, please review the following:

1. Justification
 - a. Size Modification:
My in-laws have requested that the proposed residence which is intended for them be wheelchair accessible. This means all interior living spaces will need to be enlarged to accommodate wheelchair movement i.e. halls, baths, dining areas, kitchen. To increase these areas and have room for guests, they have twin son with families who wish to visit from time to time, 800 s.f. would not provide enough area for this residence.
 - b. Distance Modification:
The terrain elevation change between the primary residence and the proposed secondary residence is to great for a smooth transition, the extra distance would be more accommodating.
2. Site Plan
 - a. Well Septic:
See new Site Plan
 - b. Side Setback:
See new Site Plan
3. Lot Legality
 - b. Building Permit:
Old Building Permit number provided.

Thank You, for your consideration

Ralph Schell
1988 Lyn Road
Arroyo Grande, CA
93420

H 805-481-5586
W 805-544-4011

Kathryn Schells parents, Chesley and Ruth Ray, are retiring after nearly 30 years of volunteer service with Wycliffe Bible Translators. The Rays have two other married children and four grandchildren. They want to have room so these families can enjoy overnight and weekend visits. Also, they would like to host Wycliffe co-workers who are passing through the area by serving on the Wycliffe hospitality roster.

The smaller house would make both of these activities quite difficult.



8

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/4/06

TO: Ag

FROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team



PROJECT DESCRIPTION: File Number: DRC2005-00215 Applicant: SHELL
MUP -> modify secondary dwelling standards for
distance & size. 3 1/2 acre lot off Lyn. Rd. in
Arroyo Grande. APN: 091-063-006
Return this letter with your comments attached no later than: 5/19/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO COMMENT

5/5/06
Date

L. AUCHINACHE
Name

781-5914
Phone



8

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

VICTOR HOLANDA, AICP
DIRECTOR
RECEIVED

DATE: 5/4/06

TO: City of A.G.

FROM: ☒ - South County Team

☐ - North County Team

☐ - Coastal Team

MAY 08 2006
CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

PROJECT DESCRIPTION: File Number: DRC2005-00215 Applicant: SCHILL
MUP -> modify secondary dwelling standards for
distance & size. 3 1/2 acre lot off Lyn. Rd. in
Arroyo Grande. APN: 091-063-000
Return this letter with your comments attached no later than: 5/19/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES

(Please go on to PART II.)

☐ NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No comment

May 9, 2006
Date

Rob Strong, Comm. Dir.
Name
Director
City of Arroyo Grande

4735420
Phone